

Defendant-Appellant Nathaniel Deloney appeals the sentence imposed after he pled guilty to voluntary manslaughter, a Class A felony. We affirm.

Deloney raises one issue with subparts for our review, which we restate as the following issues:

- I. Whether the trial court abused its discretion in failing to identify and utilize Deloney's guilty plea as a mitigator.
- II. Whether the twenty-five year sentence was appropriate in light of Deloney's character and the nature of the offense.

On November 20, 1997, sixteen-year-old Deloney was at a friend's house with several friends. One of Deloney's friends went outside and began arguing with David Camacho. Deloney approached Camacho and began arguing with him. During the argument, Deloney pulled out a gun and shot Camacho in the head.

The State charged Deloney with murder; however, the State agreed to drop the murder charge upon Deloney's guilty plea to voluntary manslaughter, a Class A felony. After accepting the plea, the trial court sentenced Deloney to twenty-five years, which is five years less than the presumptive sentence for a Class A felony. In sentencing Deloney, the trial court stated that Deloney's age was the primary factor for the subtraction of five years from the presumptive sentence. The trial court also found Deloney's remorse and extremely poor home life to be mitigating circumstances.

I.

Deloney first argues that the trial court abused its discretion in not crediting his guilty plea as a mitigating circumstance that warranted the imposition of the twenty-year

minimum sentence for a Class A felony. A trial court is not obligated to accept the defendant's arguments as to what constitutes a mitigating factor. *Comer v. State*, 839 N.E.2d 721, 728 (Ind. Ct. App. 2005), *trans. denied*. However, a trial court "may not ignore facts in the record that would mitigate an offense, and a failure to finding mitigating circumstances that are clearly supported by the record may imply that the trial court failed to properly consider them." *Id.* An allegation that a trial court failed to identify or find a mitigating circumstance requires the defendant to establish that the mitigating evidence is both significant and clearly supported by the record. *Id.*

Indiana courts have recognized that a guilty plea is a significant mitigating factor in some circumstances. *Id.* Where the State reaps a substantial benefit from the defendant's plea, the defendant deserves to have a substantial benefit returned. *Id.* However, a guilty plea is not automatically a significant mitigating factor. *Id.* Where it is clear from the record that a defendant has received a significant benefit from pleading guilty, "a trial court does not abuse its discretion by not identifying [a defendant's] guilty plea as a mitigating factor." *Id.* at 729.

In the present case, Deloney received significant benefits from his guilty plea. In exchange for his guilty plea, the murder charge was dropped. Thus, rather than facing a minimum forty-five/maximum sixty-five year sentence for murder, Deloney faced a maximum of fifty years and a minimum of twenty years for voluntary manslaughter. Deloney's sentence is twenty years less than the minimum sentence for murder and five years less than the presumptive sentence for voluntary manslaughter. Deloney clearly

received a significant benefit from pleading guilty, and the trial court did not abuse its discretion in not identifying his plea as a mitigator.

II.

Deloney contends that his sentence twenty-five year sentence is inappropriate in light of his character and the nature of the offense. A sentence authorized by statute will not be revised unless the sentence is inappropriate in light of the nature of the offense and the character of the offender. Indiana Appellate Rule 7(B). We must refrain from merely substituting our opinion for that of the trial court. *Sallee v. State*, 777 N.E.2d 1204, 1216 (Ind.Ct.App.2002), *trans. denied*.

The record shows with regard to Deloney's character that he has been violent from a young age and that he sported a tattoo to show his involvement as a member of the Gangster Disciples Gang. Deloney abused alcohol, twice ran away from an aunt who had taken him into her home, was uncontrollable at school, had a truancy problem, once broke a teacher's jaw, and was on probation at the time he committed the instant offense.

The record shows with regard to the nature of the offense that as a member of a gang Deloney carried a gun. He intentionally injected himself into an argument that did not involve him and then shot the victim.

In light of Deloney's character and the nature of the offense, we cannot say that the sentence imposed was inappropriate.

Affirmed.

MAY, J., and BARNES, J., concur.